

AARON D. FORD
Attorney General
CHARLES D HOPPER (Bar No. 6346)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 East Washington Avenue
Suite 3900
Las Vegas, Nevada 89101
(702) 486-3655 (phone)
(702) 486-3773 (fax)
Email: CDHopper@ag.nv.gov

*Attorneys for Defendants,
James Dzurenda and Brian Williams*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTHONY PRENTICE,
Plaintiff,
v.
NEVADA STATE OF, *et al.*,
Defendants.

Case No. 2:18-01801-APG-VCF

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO FILE
OPPOSITION TO PLAINTIFF'S
EMERGENCY MOTIONS FOR
PRELIMINARY INJUNCTIONS
(ECF NOS. 14, 15)
(Second Request)**

ORDER

Defendants, James Dzurenda and Brian Williams, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Charles D Hopper, Deputy Attorney General, hereby file a Motion for Extension of Time to file their Oppositions to Plaintiff's Motion for Preliminary Injunction for Religious Diet (ECF No. 14) and for Religious Practice (ECF No. 15). This request is made in light of exigent circumstances regarding counsel's unavailability due to a medical emergency. Defendants respectfully request a 10 day extension to respond to Plaintiff's Emergency Motions for Preliminary Injunctions (ECF Nos. 14 and 15).

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. RELEVANT BACKGROUND AND FACTS**

3 On November 8, 2019, Plaintiff filed an Emergency Motion for Preliminary Injunction
4 for Religious Diet (ECF No. 14), and an Emergency Motion for Preliminary Injunction
5 Religious Practice (ECF No. 15).

6 On June 8, 2020, the Court entered an Order Regarding Briefing on Motion for
7 Preliminary Injunction, ordering Defendants to file a response to the ECF Nos. 14, 15, by
8 June 22, 2020. (*See* ECF No. 20.)

9 On June 22, 2020, the Office of the Attorney General (OAG) filed Motion for
10 Extension of Time to Respond the ECF Nos. 14 and 15, due to complications related to
11 COVID-19. (*See* ECF No. 21.)

12 On June 26, 2020, the Court granted the Motion (ECF No. 22).

13 In the meantime, counsel for Defendants, Deputy Attorney General (DAG)
14 Hopper became unavailable due to a medical emergency. The OAG is in the process of
15 assigning another DAG to associate into this case to address existing deadlines.

16 Thus, Defendants respectfully request a ten (10) day extension of time from the current
17 deadline of July 2, 2020, to file responses to Plaintiff's Motions on or before July 13, 2020.

18 **II. DISCUSSION**

19 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides:

20 When an act may or must be done within a specified time, the court
21 may, for good cause, extend the time: (A) with or without motion or
22 notice if the court acts, or if a request is made, before the original
time or its extension expires; or (B) on motion made after the time
has expired if the party failed to act because of excusable neglect.

23 “The district court is given broad discretion in supervising the pretrial phase of
24 litigation....” *Zivkovic v. S. California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (citation
25 omitted). *See also, Thorne v. United States*, No. 1:14-CR-165 (LMB), 2017 WL 1363312, at *8
26 (E.D. Va. Apr. 12, 2017) (request for continuance was reasonable in context of right to speedy
27 trial and lack of prejudice: “Because defense counsel requested a continuance with good cause
28 and accommodating medical emergencies serves the ends of justice....”) (unreported).

Defendants asserts that the requisite good cause is present to warrant the requested extension of time. As noted above, Defendants make the instant request in light of the Defendants' counsel's unavailability due to a medical emergency. Accordingly, Defendants respectfully request that the Court extend the current deadline by 10 days, until July 13, 2020. The deadline to file replies would likewise be extended until July 27, 2010. Defendants' request for 10 days will not hinder or prejudice Plaintiff or his case as he alleges to have been a practicing Qayin Thelemite for more than 10 years "since his conversion in 2008." (ECF No.13 at p. 34 of 55 (Plaintiff's page 32)).

III. CONCLUSION

For these reasons, Defendants respectfully requests a ten (10) day extension to the current deadline to respond to Plaintiff's Emergency Motions for Preliminary Injunctions (ECF Nos. 14, 15).

Proposed Schedule for Dispositive Deadline

Current Response Deadline July 2, 2020

Proposed Response Deadline July 13, 2020

DATED this 2nd day of July 2020.

AARON D. FORD
Attorney General

By: /s/ Peter E. Dunkley
PETER E. DUNKELY, Bar No. 11110
Senior Deputy Attorney General
CHARLES D. HOPPER, Bar No. 6346
Deputy Attorney General
Attorneys for Defendants

IT IS SO ORDERED:



U.S. DISTRICT JUDGE

7/6/2020
DATED: _____

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada and that on this 2nd day of June, 2020, I caused a copy of the foregoing, **DEFFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO PLAINTIFF'S EMERGENCY MOTIONS FOR PRELIMINARY INJUNCTIONS (ECF NOS. 14, 15) (Second Request)**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Anthony Prentice, #74880
Care of HDSP Law Librarian
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070
HDSP_LawLibrary@doc.nv.gov
Plaintiff, Pro Se

/s/Connie L. Fondi
An employee of the Office of the
Nevada Attorney General